

### Remarks

Applicants appreciate the thorough examination of the present application as evidenced by the final Office Action dated February 6, 2004 (the "Final Action") and the subsequent Advisory Action dated August 10, 2004 (the "Advisory Action"). Applicants have canceled Claims 18, 21 and 35-38 herein without prejudice. Applicants have amended Claims 16, 22, 31, 32 and 40. Support for the claim amendments can be found throughout the specification and in the originally filed claims. Thus, no new matter is believed to be introduced by these claim amendments, and the entry of these amendments is respectfully requested.

As noted in the Advisory Action, Claims 16 and 31-33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Silvestris et al. *Ann Hematol.* **70(6)**: 313-318 (1995) for reasons previously made of record. Claims 16, 18, 21, 22, 31, 32, 35 and 40 stand rejected 35 U.S.C. § 102(b) as being anticipated by JP 02 096535 to Chugai Pharm. Co. Ltd. for reasons previously made of record. Claims 16, 21, 31, 32, 33 and 35-38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bukowski et al. *Blood* **84 (10 Supp. 1)**: 129A (1994) for reasons previously made of record. Claims 17, 19 and 20 stand objected to as being dependent on rejected base claim 16.

In an effort to expedite prosecution, as noted above, Applicants have amended Claims 16, 31 and 32. More specifically, Claim 16 has been amended to delete the recitations directed to "exposure to radiation" and "cancer." Claims 31 and 32 have been amended to delete the recitations directed to "exposure to radiation," "exposure to cisplatin" and "cancer."

Accordingly, Applicants respectfully submit that Claims 16 and 31, and claims dependent therefrom, and Claim 32 are patentable under 35 U.S.C. § 102(b) in view of the cited references, and respectfully request withdrawal of the claim rejections.

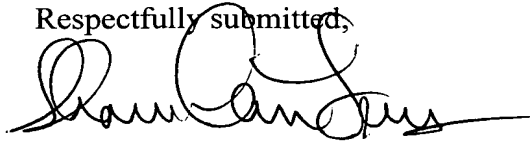
### Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request that all outstanding rejections to the claims be withdrawn and that a Notice of Allowance be issued in due course. The Examiner is invited and encouraged to contact the undersigned directly if such contact will expedite the prosecution of the pending claims to issue. In any event, any questions that the Examiner may have should be directed to the undersigned, who may be reached at (919) 854-1400.

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It is not believed that any fee(s), including fees for additional claims, are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that additional fees are necessary to allow consideration of this paper, such an extension is also hereby petitioned for under 37 C.F.R. §1.136(a). Applicants authorize that any additional fees believed to be due in connection with this paper may be charged to Deposit Account No. 50-0220.

Respectfully submitted,



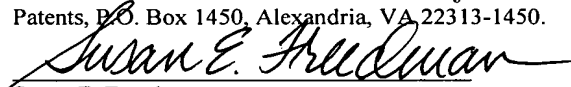
Shawna Cannon Lemon  
Registration No. 53,888

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401

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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Susan E. Freedman

Date of Signature: September 30, 2004